Preserve

G. R. S. IX-5]

Previous references.

Ch. 98-13 (1)
" 74-16 (1)
" " " (2)

1917-18
(Courts)

File No. 148-17

Serial Nos. 1

Later references.

Ch 42-18 (1+2)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1

Part B for Feb 1918

SUBJECT.

Inspection of the District Magistrates' Court & that of the District & Sessions Judge by the Chief Judge.

W D 88—GPB—50,000—24-7-16

Md Abdur Rahman
19. 2. 1918 Khan

G. R. S. III—1] 1917.

GENERAL AND REVENUE SECRETARIAT.

(Court)

NOTES.

File No. 1487

FILE HEADING.

Inspection of the District Magistrate's Court, Bangalore, by the Chief Judge. Visit of the Hon'ble Judge

From

The Registrar, Chief Court

No. D.D. 435 Dated 19.1.18 Received 21.1.18

Diary No. 7163	Enclos. 2 Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards for information copies of the notes of inspection, by the Chief Judge, of the Court of the Hon'ble Judge & of the District Magistrate, Bangalore.

NOTES AND ORDERS.

(C.S.-74-16-1)
(C.S.-74-16-2)

Submitted with files re previous Inspection reports.

2. In favour of perusal

3. Hon'ble Member, Judicial Dept. Can I may refer this note. I think Govt should have some remarks. Please instruct.

2589/24.1.18

Submitted.

Seen.

NOTES—First Sheet.

WD 1232—GPB—20,000—18-11-16

WD 1233—GPB—60,000—1-12-16—S

G. R. S. III-2)

General and Revenue Secretariat. | 05 File No. 148 of 1917.

Serial No.

No. 98-13-1

4 Attention is respectfully invited to the note on page 8 in cover file 98 of 13-14 regarding the practice in British Indian High Courts. These Inspection Reports are sent to Govt. only for information, (vide Secretary's note in paragraph 38 of the note in the above file) under the circumstances it is a point for orders whether any reply is necessary.

11/2

2761
12.2.18

First Member

May be recorded

15/2

Sec
13/2

NOTE—Contn. sheet.

82 Dis. No. 435 Ex 2

GBPP

21 JAN 1918

4136

Chief Court of Mysore,

Bangalore.

Dated 18th January 1918.

19

DIARY NO. 9163
19-10
Court
148-17
1

From

N. T. GOPALIENGAR, Esquire, B.A., H.L.B.,

Registrar of the Chief Court of Mysore.

cvg 3-50

To

GEN. & REV. SECRETARIAT
III
JUDICIAL
21 JAN 1918

C. S. BALASUNDARAM IYER, Esquire, B.A.,

Chief Secretary to the Government of Mysore,

Bangalore.

S i r,

I am directed to forward herewith for the information of the Government a copy of the notes of inspection of the Court of the District and Sessions Judge of Bangalore and of the Court of the District Magistrate of Bangalore made by the Chief Judge on the 22nd and 23rd November 1917 respectively.

I have the honour to be,

Sir,

Your most obedient servant,

N. Gopaliengar

REGISTRAR.

H.C.

NOTES OF INSPECTION

Of the Court of the District Judge of Bangalore by the Chief Judge.

Dated 22nd November 1917.

**

K
[CS 7416-2]

This Court was last inspected by the Chief Judge on 15th June 1916.

Mr. R.B. Plumer, Barrister-at-Law, continues to be the presiding Judge since the date of last inspection.

There were 292 working days since last inspection and the Judge sat for civil and criminal work on 203 and 80 days respectively.

	Pending on date of last insp^{n}.	Of these disposed of since.	Pending out of these.	Instituted since.	Total for displ.	Of these disposed of.	Pending now.
Original Suits ..	20	14	6	66	72	35	37
Mis. Cases ..	21	18	3	87	90	71	19
Execution ..	5	1	4	32	36	29	7
Insolvency ..	4	3	1	4	5	..	5
Regular Appeals..	7	7	.	252	252	204	48

Of the above pending cases the number of contested proceedings are as follows:-

Original Suits	...	34
Mis. Cases	...	9
Execution	...	4
Insolvency	...	3
Regular Appeals	...	48

Numbers

Numbers of appealable decrees passed.-

In original suits	..	40,
In regular appeals	..	206.

Actually appealed against.-

Original Suits	..	3,
Regular Appeals	..	94.

Of these -

	Modified.	Reversed.	Remanded.	Confirmed.
Original Suits	.	1	.	..
Reg. Appeals	7	4	.	57

The results of appeals in other cases are not received yet from the Chief Court.

No attention seems to be paid to the proper order of arrangement of records in pending cases. The order sheets are carefully and correctly drawn up dated by the Judge.

Of the 37 original suits pending 25 are Land Acquisition suits. 10 original suits are pending over a year and these are 18 of 1911-12, 5 and 9 of 1913-14, 10 of 1914-15, 1, 6 and 13 of 1915-16, 2, 3 and 10 of 1916-17, the last three being land acquisition suits.

The increase in pendency is due in the main to the transfer of jurisdiction under the Land Acquisition Regulation from the Subordinate Judge to the District Judge.

O.S. No. 18 of 1911-12.

The date of institution is 28-2-1912. The account books referred to in the last inspection notes were received from the District Judge, Civil and Military Station, by 20-9-1916. On 18-10-1916 the Court gave time till 30-10-1916 for the appointment

of

of a commissioner and he was appointed the next day. The following adjournments were granted at the request of the commissioner for submission of his report.

31-1-1917 to 15-3-1917,
15-3-1917 to 4-6-1917,
4-6-1917 to 15-7-1917,
15-7-1917 to 15-8-1917.

The account books were sent back to the District Judge, Civil and Military Station, on 8-9-1917. There is no mention of this in the order sheet. The next three adjournments were given partly to the non return of the account books and partly to the non submission of the commissioner's report.

15-8-1917 to 21- 9-1917,
21-9-1917 to 28- 9-1917,
28-9-1917 to 2-11-1917.

The case now stands adjourned to 29-11-1917 for the return of the account books.

O.S. NO. 9 of 1913-14.

The records in this case have been submitted to the Chief Court for reference in R.A. 9 of 1915-16.

O.S. NO. 5 of 1913-14.

This case has been referred to in the last inspection. The following adjournments seem to be unnecessarily long but the intervention of sessions is always a trouble in a District Court.

30-6-1916 to 23-8-1916 for reporting compromise or for proceeding with the suit.

From

From 29-9-1916 to 19 & 20-12-1916,
" 26-1-1917 to 13-3-1917,
" 23-3-1917 to 28-5-1917,
and again to 10-7-1917.

The adjournments from 7-9-1917 are due to the 3rd defendant's death and for bringing in his legal representatives. It is now posted to 27-11-1917.

O.S. NO. 10 of 1914-15.

The adjournments from 23-1-1917 onwards are generally due to the nonsubmission of a report by the commissioner. It stands posted to 16-11-1917.

O.S. NO. 6 of 1915-16.

Suit for possession of certain properties under a will. Many of the adjournments from 10-1-1916 to 15-12-1916 were given for the submission of the curator's report. The adjournment from 29-3-1917 to 16-5-1917 was at the request of the plaintiff to consider whether he would agree to the appointment of Mr. M.A. Srinivasachar as auditor in the case who was finally appointed.

Now posted to 12-11-1917.

So far no evidence has yet been recorded and the auditor has not furnished his report.

REGISTERS I and I A.

The last entry in Register I is O.S. 28 of 1917-18 filed on 9th of November.

Since then 7 plaints have been received but are not

yet

yet registered. The earliest is however 17th November. The plaints are ready for admission by the District Judge, but it may be questioned whether the District Judge's order is necessary for the admission of a plaint, though it is necessary for its rejection. The suit is instituted by the presentation of a proper plaint to the proper officer, and where the officer is in the position of a Sheristedar of District Court it would seem sufficient if he certifies the plaint to be in accordance with Orders VI and VII and properly stamped and not prima facie barred by time. If there is anything apparently wrong the District Judge's order could be asked for, but even then that might be done only if the plaintiff urges that he is right and the Sheristedar wrong. It seems unnecessary to delay registration for the District Judge's orders but I do not desire to interfere with the practice if the District Judge thinks it desirable to maintain it, only it is necessary to see that no undue delay is thereby caused.

In O.S. No. 1 of 1915-16 the legal representatives of the plaintiff are not entered in the register. The prayer portion in the 14th column relating to execution is left blank. It is quite easy to write the words 'attachment', 'arrest' or 'sale', etc. The attention of the clerk concerned has been drawn to the omission. (Vide O.S. 2 of 1912-13, O.S.8 of 1913-14). This register I requires rebinding as a few sheets are loose.

O.S. NO. 28 of 1916-17.

A razinama was filed in this case and it was ordered by the Judge that a decree should be drawn up in terms of the razinama dismissing plaintiff's suit. No decree seems to have been drawn up and the clerk concerned says that as the razinama petition amounts to a report of settlement out of Court and as

no specific relief was sought for therein or could be granted by a decree, no decree was thought necessary.

There ought to be a decree in this case. The suit was not withdrawn: the parties asked for judgment dismissing the suit and they got it. It should have been followed by a decree like all judgments in suits. (Section 33 of the Code.)

The District Judge in awarding costs in cases under the Land Acquisition Regulation may perhaps not always have borne in mind Section 27 (2) of the Regulation.

The record in 4 of 1917-18 for example suggests that the amount which the claimant accepted could not be deemed so extravagant as to exclude the section, and the original award was very much below that of the District Judge. The District Judge does not say why he did not make the Acquisition Officer pay the costs.

MISCELLANEOUS CASES.

Out of the 19 cases pending 3 were under Companies Regulation, 8 for appointment of guardian, 7 for the grant of Probate or Letters of Administration and 1 to sue in forma pauperis. 3 cases are pending more than a year, and these are 22 of 1911-12, 20 of 1912-13 and 49 of 1912-13.

MIS. NO. 22 of 1911-12.

This was also the oldest case pending on the date of last inspection. This was instituted on 30-10-1911 under the Companies Regulation for winding up of a company. This is now adjourned to 14-12-1917 for the official liquidator's final report and thereafter for a full audit of their work together with final notice in the Gazette preparatory to final winding up

order.

order. Cases of this kind must ordinarily remain long on the file.

MIS. NO. 49 of 1912-13.

This is also for winding up of a company. This stands adjourned now to 4-1-1918 for a further report of the official liquidator.

MIS. REGISTERS III and III A.

Two cases presented but not registered yet: ~~xhx~~ both are however only of 19-11-1917.

MIS. 7 of 1916-17.

Caveat had been filed in the case and probate was granted to the petitioners after contest. In Register III A the disposal is shown in column 14 - Judgment for opposite party instead of in column This is clearly a mistake.

The case was actually transferred from the Miscellaneous Register to that of Original Suits under the Probate Regulation, but there is no column for that in III A. The special nature of the disposal for purposes of III A might be entered in the column of remarks, and to keep the figures right perhaps an entry in column 3 might be made. The disposal is correctly entered in I A column 13.

MIS. NOS. 23 and 25 of 1915-16.

These are Probate cases transferred to the Original side. The disposal in Register III A is shown in column 3 transferred to another Court which though not accurate may be

the

the best way of dealing with such cases provided that the actual mode of disposal is noted in the column for remarks.

MIS. 40 of 1916-17.

The duration is wrongly calculated. During last inspection also such wrong calculations were pointed out to the clerk concerned. In the particular case there is a considerable error: the right figure is 29 from date of filing. The figure given is 27.

MIS. 31 of 1916-17.

The entry in column 7 of Register III is 'Razinama filed'. That does not give the information required by the heading 'Final order with date'.

In Register III A the date of disposal in each case is entered in the remark column but not invariably.

INSOLVENCY.

There are 5 cases pending, 3 of 1913-14, 1 and 2 of 1916-17 and 1 and 2 of 1917-18. Two cases are pending more than a year and they are 3 of 1913-14 and 1 of 1916-17.

3 of 1913-14.

This was noticed during the last two inspections. This is now posted to 22-11-1917 for the receiver's report which he has delayed to send notwithstanding many adjournments.

1 of 1916-17.

The adjudication order has been passed and a receiver appointed. Posted to 16-11-1917.

The

The Insolvency Register is properly maintained.

In column 6 the amount of debts is entered, but that hardly affords sufficient information of the 'circumstances' in which the petition is presented; we have to assume or infer that the petitioner says he is unable to pay them.(Sec. 11 (1) of the Regulation).

The question of prescribing a statistical register for Insolvency Cases is said to be under correspondence: at present these cases are found in some sheets separately allotted in IIIA, but it is not always easy to ascertain how duration is calculated.

In Insolvency Case 3 of 1915-16 the date in Register VII is 3-11-1916, but in III A the date of disposal seems to be 15-1-1917, the date on which an order was made directing distribution under a composition accepted on 3-11-1916. This date 15-1-1917 does not appear in Register VII there being no column for it.

EXECUTION CASES.

7 cases are pending disposal and 2 of them for more than a year.

8 of 1912-13.

During last inspection this case had been called for by the Chief Court for reference in R.A. 246 of 1915-16. Sale has been ordered to be held on 23-11-1917, warrant being returnable by 26-11-1917.

EX. 5 of 1916-17.

Execution of the order of the High Court of Judicature at Bombay in Civil Appeal No.17 of 1915 praying for the arrest of the judgment-debtors. The application was filed on 30-10-1916

and

In the column for particulars the defence is invariably omitted to be entered. A brief note may also be given.

In pending appeals filed by advocates, their names are not entered in column 14 till after the disposal of the appeal. The clerk concerned has been instructed to enter the advocates' names in the proper column along with other entries soon after their first appearance in the District Court.

There is no undue delay in the disposal of appeals.

Registers I to VII are kept neatly and well written.

DIARY.

In the column for 'work done' a short summary of the order sheet is generally given. The column may be restricted to the actual work done, e.g., when judgments are delivered for plaintiff or defendant the results of the judgments need not be given.

The entries are often unnecessarily full: it is explained that advocates sometimes consult the diary but it does not seem necessary to require a clerk to spend time in making full entries which are found in the order sheet.

Otherwise the Diary is properly kept and initialled by the Judge every day.

Some decrees were checked and found to have been correctly written with schedules of immoveable property.

In Mis. Register III cases under the Guardians and Wards Regulation are treated as disposed of when a guardian is

appointed

Ledger balances of previous years have been brought on the current year's ledger and balances are struck after each transaction.

The cash and deposit items are ledgered every day. A few days' transactions in the cash book were checked with the ledger and found to have been correctly ledgered.

The deposit register is well maintained. This register was checked withthe receipt order books and cheque books in a few instances and found correct. The balance in the judicial deposit account to the credit of this Court is Rs.34,689-0-3 on the last day of October 1917. Entries of payment are made against the respective deposits.

The signatures of the parties are duly obtained in the cash and deposit registers. In one or two instances it was observed that the parties had signed in Guzerati language but they were not transliterated as required by Circular Letter No.180 dated the 8th January 1906. The District Judge checks these registers once a month.

Subsidiary Ledger is maintained for each letter head of the cash book. A few days' entries of the latter were checked with those of the former and found to have been correctly entered.

The practice of depositing minors' money in the Savings Bank to be drawn by the District Judge and not by the guardians still continues. Jewels of minors are deposited in the Treasury.

REGISTERS NOS. XII & XXVI.

(REFUNDS.)

Applications for refund of half the institution fee are being attended to promptly. A printed register has to be opened as the register (manuscript) now maintained does not contain all

the

REGISTERS NOS. XIV & XV.

(COURT FEE & PROCESS STAMP .)

These registers are maintained correctly and up to date. Register No. XV is being initialled every day by the Judge and Register No.XIV by the Sheristedar. The daily totals of Register No.XIV are being carried over to Register No. XV, Refunds are generally noted in Register No. XV. A few entries of Register No. XII were compared with this register.

REGISTER NO. XVII.

(CONTINGENT REGISTER.)

The contingent register is maintained in the prescribed form. An order book is also maintained for contingent charges. The amount of permanent advance allowed to this Court for contingent expenses is Rs.50 and Rs.200 for witness batta in Sessions Cases. Of the former there is a balance of Rs.0-4-6 and of Rs.153-13-0 of the latter. These amounts were produced and found correct.

REGISTER NO. XIX.

(COPYISTS' REGISTER.)

The entries in this register are properly made under appropriate columns and the initials of the District Judge are obtained every month. Besides the examiner there are 8 copyists for both the District Court and the Central Records.

During the first quarter of the current official year the average monthly income of each copyist and examiner was Rs.23-3-6 and Rs.44-11-4 respectively. All the copyists write neatly. A copy of judgment which was ready for delivery was examined in order to find out the number of words written on

each

each copying sheet. They contained the following number of words: 100, 79, 84, 82, 102, 104 and 128. Thus on an average each sheet may be takento contain 97 words.

One hundred and seven applications for copies were pending on the 1st instant. In 67 of them copying sheets had not been produced and in 15 additional sheets had been called for. The rest had been received betweenthe 29th and 31st October 1917. There is generally no delay in the granting of copies. Copies are delivered within three or four days after the receipt of the requisite number of copying sheets.

The copyists' acquittance roll for the month of July 1917 is not signed by the Judge. Their remuneration for October is not yet paid.

REGISTER NO. XX.

(PROCESSES)

This register should have been maintained by the Sheristedar according to the rules. It does not even bear his initials in token of his having seen it. It is sometimes written by the Mutchi and sometimes by the cash clerk. The numbers of bills by which payments have been made to the process nazirs are correctly noted with the date in the proper column.

The number of court notices issued through the process department is large, owing to the fact that appeals are transferred from the Chief Court after notice has been issued to respondents. Perhaps the District Judge can reduce the number.

REGISTER NO. XXI.

(Of Applications for Return of Documents.)

During the current official year 36 applications have been brought onthis register. Only 8 applications are pending

disposal.

disposal. In some of them orders for the returnof the documents have been obtained and inothers no orders have yet been passed.

ATTENDANCE REGISTER.

The register is well maintained. It is said that the register is takento the Judge every day. Leave granted to the officials are noted in this register. Some of the entries of the order book were compared with this register and found to agree.

S E C U R I T I E S.

The Sheristedar has furnished the required security.

SERVICE REGISTERS.

Service registers are maintained for each permanent official. Some of them were examined and found to have been brought up to date. The service register of Ahobala Sastri who was recently taken to this Court was not verified up to date. The verification should have been made in the Munsiff's Court from which he was transferred up to the date of transfer. The register may now be returned for the necessary completion of the verification.

An ~~order~~ order book is maintained and orders of leave, appointments, etc. are noted therein.

The service registers are kept arranged in the iron safe the key of which is in the custody of the Sheristedar.

DISTRIBUTION OF WORK.

A record of the distribution of work amongst the several officials of the Court is maintained and the work

assigned

assigned to each official does not seem to be excessive. The Sheristedar supervises their work properly.

REPORTS & RETURNS.

Lists of monthly, quarterly and annual reports and returns due to and from the office are maintained noting agains each of them the due dates and the authority by which they were prescribed. No returns are overdue.

FURNITURE LIST.

A register is maintained. A revised list for 1917-18 is not prepared. Articles received or purchased subsequent to 1916-17 are being entered in pencil. Some of the articles have been sent to the lower Courts and a note thereof is made in pencil. The register does not seem to have been verified either by the Sheristedar or by the Judge. No list is maintained for tents.

STATIONERY & FORMS.

The office stationery and forms are in the custody of the cash clerk. The initials of the Judge are taken every month to the stationery registers and they are neatly maintained. During September and October 1917 articles of stationery have been issued to some of the officials without obtaining their signatures in the book.

No registers for printed forms received and issued are maintained. The forms are neatly arranged and kept in an open almirah.

RULES OF PRACTICE AND CIRCULAR LETTERS.

Rules of Practice and Circular Letters issued from the Chief Court from time to time are being arranged and kept in files.

L I B R A R Y.

Books are neatly arranged and labelled. They are kept in almirahs in the Judge's chambers. A catalogue of books is maintained.

CORRESPONDENCE REGISTERS.

Three sets of 'From' and 'To' registers are maintained: one for the Chief Court, one for the lower Courts and one for correspondence with other officers. Local delivery books and tappal book are maintained. The subjects entered in the 'From' and 'To' registers are clear and concise. There is generally no delay in the disposal of correspondence. Fair copies are generally despatched the following day, sometimes on the third day after the draft has been approved of.

A petition register is maintained. There is only one entry for the current year. The petition was ordered to be sent to the Munsiff for disposal but no endorsement seems to have been given to the petitioner. The correspondence registers are not examined by the head ministerial officer and signed.

Office arrears statements are furnished monthly for each branch, not in any detail. They are not very illuminating but they are correct: the work seems to be done without delay in most cases.

B A R A W A R D.

An acquittance roll is maintained. For payments above Rs.20 signatures are being taken on one anna receipt stamps. The salaries drawn for the officials for the month of October 1917 have been disbursed without taking the initials of the Judge to the acquittance roll: so also the travelling allowance of the officials for October 1917. There are no pension applications pending.

The office is not being inspected annually by the Judge. A set of inspection questions has now been issued and the District Judge will no doubt inspect his office hereafter.

SESSIONS WORK.

Six cases were pending disposal on the date of last inspection and 44 cases were since received making total of 50 cases. Forty six cases (including 6 cases transferred to the Assistant Sessions Judge, Bangalore, for disposal) have been disposed of leaving four cases pending now. out of 40 cases actually disposed of by the Sessions Judge, in 5 cases the prosecution was withdrawn by the Public Prosecutor and the remaining 35 cases were disposed of after recording evidence. The four cases now pending relate to Tumkur Sessions. One of those cases was committed and received in this Court in the latter part of August 1917 and the rest in September 1917. All of them are to be heard during the month. It is explained that they could not be taken up earlier on account of the prevalence of plague at Tumkur.

The results of appeals are noted in the Sessions case

Register.

Register.

Twelve cases came up before the Chief Court in appeal. In 9 cases the conviction and sentence were confirmed; in one case they were reversed; and in the remaining 2 cases the conviction was upheld but the sentence was reduced. The trial of each case lasted for 2.2 days on an average, but that is actual trial; the rule for statistical purposes is from date of commitment to date of disposal.

The Sessions Judge had to deal with four cases in his capacity as Justice of the Peace. In three of those cases the accused were acquitted and in the remaining one case prosecution was withdrawn and the case dismissed under section 203, Criminal Procedure Code.

Since the date of last inspection 31 Criminal Appeals were received by transfer and 29 of them have been disposed of leaving 2 appeals pending. The average duration is 29.78 days.

There is not much delay in the disposal of cases and judgments are delivered promptly.

The register is well maintained and up-to-date.

In Sessions Cases adjournments are not usually granted. When once the case is begun it is heard from day to day until disposed of. Only one case, Kolar Sessions Case No. 4 of 1917-18, had to be adjourned from 12th October to 6th November 1917 for procuring the attendance of some defence witnesses whose whereabouts were not known but whose evidence was considered necessary for the disposal of the case.

The order sheets in two of the disposed of cases were examined and they seem to have been correctly written up.

REGISTER NO. III.

Since the date of last inspection 27 Miscellaneous cases

cases have been brought on this register. Thirteen of these 27 cases were for revision. Twenty five cases were disposed of and only two are pending.

The register is properly kept.

WITNESS REGISTER NO.IV.

598 witnesses appeared before the Sessions Court since the date of last inppection and 358 were actually examined. The witness batta paid amounted to Rs.1059-1-8.

In 5 cases of the Kolar Sessions and 2 cases of the Tumkur Sessions witnesses were detained for three days. In Tumkur Sessions Case No. 1 of 1916-17 and Kolar Sessions Case No.7 of 1916-17 witnesses were detained for four days.

JUDICIAL DIARY.

The Diary is being written every day and initialled by the Judge.

REGISTER NO. VII.

(FINES.)

Since the date of last inspection a fine of Rs.25 was imposed on the accused in Tumkur Sessions Case No. 3 of 1916-17 and it has been recovered and credited to the Treasury. In revision the Chief Court reduced the fine to Rs.5 and copy of the order was received in the Sessions Court on 4th July 1917. The balance of the amount is not yet refunded to the party. It is said that he has not applied for it. According to Criminal Rule of Practice No. 62 dated 2nd April 1897 the Court should have prepared the payment order on the receipt of the appellate court order and sent a notice to the payee to appear and receive the amount. The Court need not have waited for an application from the payee.

REGISTER

REGISTER NO. X.

(PROPERTY REGISTER)

Nine articles produced in Bangalore Sessions Case No.2 of 1917-18 which was disposed of on the 9th instant are pending disposal.

CENTRAL RECORDS.

Want of space is much felt. This can be relieved by the destruction of records but will recur if the staff is not strengthened.

Permission was given for destruction of some old records in Chief Court docket D.Dis No. 424 dated 24-11-1916. Except some records of the Chikballapur Munsiff's Court no attempt has been made towards destruction.

Some records were examined and the stamps therein were found duly punched for the second time.

A list of records requisitioned by other Courts and not returned to the Central Records has been prepared for the years 1908-09 and 1909-10. Reminders were also issued to get them back. Replies have been received from some Courts only. The number of records to be still traced for these two years appears to be large. Taking the proportion upto the present, the number of missing records will be very large. Prompt steps should be taken to prepare such lists for the other years also and to trace and replace the records. This is a matter of great importance.

The requisitions from other Courts are complied with without much delay.

Some records were checked with the registers and the entries were found correctly made.

G E N E R A L.

The whole office is located in one long room in the District Office buildings. The accommodation is insufficient but there is no help for it.

There is little to complain of in the work of the office.

Sd/- Leslie C. Miller,
CHIEF JUDGE.

" C o p y "

R. Gopalakrishnan
REGISTRAR.

D.L.

NOTES OF INSPECTION

of the Court of the

DISTRICT MAGISTRATE OF BANGALORE

by the

CHIEF JUDGE.

-:*:-

Dated 23rd November 1917.

X
C574-16-1

This Court was last inspected by the Chief Judge on 20th June 1916.

The following is the list of Magistrates that presided over this Court since the date of last inspection.

		From	To
Mr. K. Chandy	...	20- 6-1916	1- 7-1916
Mr. K.R.Srinivasa Iyengar	...	1- 7-1916	1-12-1916
Mr. C. Venkata Rao	...	1-12-1916	2- 1-1917
Mr. Zahiruddin Meccai	...	2- 1-1917	15- 2-1917
Mr. K.R.Srinivasa Iyengar	...	16- 2-1917	1- 4-1917
Mr. Zahiruddin Meccai	...	1- 4-1917	27- 6-1917

Mr. P.F. Bowring is the presiding District Magistrate now and he took charge of his office on 27-6-1917.

	Pending on date of last inspn.	Instituted since.	TOTAL.	Disposed of.	Pending.
Regular Cases ..	..	7	7	7	..
Miscellaneous Cases.	11	160	171	163	8
Appeals ..	4	91	95	94	1

Of

Of the 163 Miscellaneous Cases disposed of 32 were under the Municipal Regulation, 5 under the Breach of Contract Act and the rest under the Criminal Procedure Code.

The average number of days spent in the trial of

Regular cases is . . . 21 days,

Miscellaneous Cases is 5 days,

and Appeals is . . . . . 14 days.

The state of the file is satisfactory.

REGULAR CASES AND REGISTER I.-

There are no cases pending. The 7 cases disposed of since last inspection have been entered in the register. Adjournment dates are not entered in the register. They may be given in column 10 under the date of institution.

MISCELLANEOUS CASES.-

There are 8 cases pending and Mis. 1 of 1917-18 is the oldest of them. This was instituted on 5-7-1917 under Section 552, Criminal Procedure Code. Notice was ordered to the opponent and was served on house on 6-7-1917 as the opponent was not found and as it was reported that he had gone to Gundopanthra Palya; the case was adjourned sine die on the same day,- 6-7-1917.

It would have been better to give the petitioner a fixed time to find out where the opponents had gone to, but judging from the petition there seems to be a probability that there is no case on the merits: the woman is said to be over 18 and her parents are the opponents. So it may do no harm to leave the petitioner to further action if he likes to take any without fixing a date.

Miscellaneous 7 of 1917-18 and Mis. 29 of 1917-18 have been referred to the District Superintendent of Police for enquiry and report.

REGISTER NO. III.

Mis. Case No. 7 of 1916-17.- This is a petition for transfer. The provision of law quoted in the petition and the register is 526, Criminal Procedure Code. The proper section should have been 528, Criminal Procedure Code: so also in Mis.25 of 1916-17 and 19 of 1917-18.

Mis. 35 of 1916-17 and 89 of 1916-17.- These are applications for grant of license under Section 45, Police Regulation. It has been held by the Chief Court (18 Mysore Chief Court Reports 1) that these orders are not judicial, and the proceedings need not come into this register.

In some cases the provision of law is not entered at all. (Vide Mis. 85 of 1917-18, 90 of 1917-18 and 2 of 1917-18).

Mis. 92 of 1916-17.- The application was filed under Section 552, Criminal Procedure Code. There is no order sheet written in this case. In the column for final order the following is entered.

> " Forwarded to the District Superintendent of Police who will have the girl Papi Venkatamma delivered over to the complainant if she is a minor or set at liberty if the allegations of the complaint be found true."

After getting a report the Magistrate made the order 'File'. This is the final order which should have been added in

column

column 12: but it hardly disposes of the complaint: it seems to be intended to be equivalent to the rejection of the petition.

Mis. 32 of 1917-18.- This is a complaint of a number of offences under the Indian Penal Code. The entry in column 2 is 'Dropping a dead body' which is not very illuminating and can hardly be a correct description of the 'Nature of the Applicatinn or proceeding.' The correct entry would be complaint of offences under the sections of the Penal Code given in column 3 and the proper entry in column 3 would be 'Sec.190, C.P.C.'

Mis. 40 of 1917-18.- This is an application to revise an order made by the Civil Officer and First Class Magistrate. The entry in column 12 is 'Referred to the Civil Officer and First Class Magistrate for disposal', which as it stands suggests that the Magistrate is to revise his own order. The District Magistrate's order on the record shows that in fact the order complained against was set aside and the Magistrate directed to dispose of the case in the light of some observations made by the District Magistrate. Column 12 might have been clearer.

APPEALS.-

There is only one appeal pending and that is 26 of 1917-18 instituted on 9-10-1917. The Magistrate has called for the records and no adjournment date is yet given to the appeal. The clerk concerned says that adjournment dates are given only after receipt of records.

The appeals are being disposed of promptly. There seems to have been some delay in the following three cases:-

		Instituted on	Disposed of on
9 of 1916-17	..	10-8-1916	15-11-1916
49 of "	..	21-4-1917	12- 7-1917
11 of 1917-18	..	13-8-1917	14-11-1917

The order sheets explain the delays but adjournment dates should be entered in the register VI.

REGISTER VI.

REGISTER NO. VI.-

Adjournment dates may be noted in column 7.

Criminal Appeal 9 of 1916-17.- The remand order for additional evidence has not been noted in the register in column 8.

In many cases the signature of the Magistrate has not been obtained in column 11, and from 27-2-1917, except in one case, this omission is uniform: since corrected but this should be put before the Magistrate as soon as the disposal is entered up.

WITNESS REGISTER NO. IV.-

Entries are not made in this register as soon as the witnesses appear in the case. The register was incomplete and the clerk was asked to bring the register up-to-date. Witnesses are discharged promptly.

Since the date of last inspection 76 witnesses appeared before the Court and 43 were examined.

In Justice of the Peace Case No.2 of 1917-18 some witnesses were examined on 3-10-1917 and batta to the amount of Rs.31-8-0 was ordered to be paid to each of the two witnesses who had come from Kolar Gold Fields. The amounts were sent to them by money order after deducting the commission. One of them has sent a stamped receipt only for Rs. 31-2-0 instead of for the full amount. The receipt from the other has not yet been received. These payments were not noted in the register. This is now corrected. Daily totals are not being made and the register does not bear the signature of the Magistrate from June 1917. Now corrected but should be signed as soon as possible after the day of the entries.

JUDICIAL DIARY.

JUDICIAL DIARY.-

Entries in this register are not made every day. The register is written upto 7th August 1917 and again from 7th to 16th November 1917. In the middle a few pages are left blank perhaps to make entries pertaining to cases that were dealt with from 8th August to 6th November 1917.

Since 28th June 1917 the register does not bear the initials of the Magistrate. Since corrected: should be put before the Magistrate the day after that to which the entries relate: so that he can sign it while he remembers whether it is correct or not. This gives little trouble as a rule.

Unnecessary details are given, for instance, in all first hearing cases, the names of the parties, the names of the advocates and the relief sought for are entered. It is quite enough to give the number and year and nature of proceeding as Mis. 25 of 1916-17. without the names of parties or even any description of the proceeding. For instance the last entry of 21-11-1917 which ~~took~~ takes up nearly half the page might run -

Mis. 62 of 1917-18: 'Admitted' or
'Records called for'.

So the previous entry might be -

Appeal 29 of 1917-18: "Admitted", or 'filed', or
'Records called for';

just enough to shew what was done. A copy of the order sheet is not required. The clerk might find it easier to keep the Diary regularly if he had not so much writing to put into it.

The entries in the order sheets of some of the cases disposed of prior to August 1917 were compared with the register and found to agree.

REGISTER NO.VII (FINES).

Since the date of last inspection a fine of Rs.50 was imposed in J.P. Case No.2 of 1917-18 and the amount was recovered and credited to the Treasury the same day. The Magistrate's initials have not been obtained to this entry. Now obtained.

REGISTER NO. IX (PROPERTY REGISTER).

This register shews that some items of property were produced in two cases since the date of last inspection. In one case (C.C. NO. 1 of 1916-17) the properties were sent along with the records of the case to the Court of the Sub Division Magistrate of Dodballapur and acknowledged by the Head Munshi of that Court. In another case (J.P.Case No.2 of 1916-17) the properties are noted to have been sent to the Madras High Court to which the case was committed. The initials of the Magistrate have not been obtained to either of these entries.

REGISTER NO. XI (STAMP REGISTER).

This register is maintained up-to-date. The receipts are being totalled up monthly and initialled by the Head Munshi.

Stamps in a few records were checked with this register and found to have been correctly entered except that in Criminal Appeal No. 42 of 1916-17 which was filed on 2nd February 1917, the stamp affixed to the appeal memo was entered in the register on 9-3-1917 more than a month after its presentation. Stamps are properly punched and defaced by means of a combined stamp.

REGISTER NO. XIV (CASH REGISTER).

Only two entries have been made in this register since

the date of last inspection: one relates to the receipt of Rs.50 being the fine levied in J.P.C. No.2 of 1917-18 and the other to the receipt of Rs.10 being the sale proceeds of some old law books. These amounts have been promptly credited to the Treasury; but the initials of the Magistrate have not been obtained to either of these ~~xxxxxxx~~ entries.

REGISTER NO. XIII (POWER REGISTER).

The Register is corrected upto 30th June 1916.

R E C O R D S.

The records that are to be preserved in the Record Room of the District Magistrate are those of the District Magistrate's Court, the Sub Division Magistrates' Courts of Dodballapur and Closepet and of the Courts of the City Magistrate and Bench Magistrates, Bangalore.

The District Magistrate's Court has sent in records of cases disposed of upto the end of September 1916; the City Magistrate's Court upto the end of March 1916; the Bench Magistrate's Court upto the end of 1914-15 and the Sub Division Magistrate's Court of Closepet upto the end of 1907-8. The records of the Court of the Sub Division Magistrate of Dodballapur are said to have been not received into the record room since theformation of that Court.

According to the rules the records of all disposed of cases in the several Courts should be sent to the Record Room after six months.

Register No.III is opened in respect of records received from the District Magistrate's Court and contains entries of cases

disposed

LIBRARY.

The library consists of only a few reference books, the Indian Law Reports (complete series) and Mysore Law and Chief Court Reports. They are kept in almirahs, some in the Magistrate's chambers and some in the Judicial Branch of the office. The books are not labelled and no catalogue is maintained.

F O R M S.

The forms are arranged and labelled. The receipt and issue registers are not maintained. The stock of blank registers is kept on the floor. They must be arranged and kept in a rack.

REGISTER OF CALENDARS RECEIVED.

A register in the form of an index is maintained to note down the calendars and copies of judgments and orders received from the subordinate Courts. There seems to be an unnecessary repetition of numbers in columns 1 and 2: one cloumn would in fact be enough. There are about 50 calendars pending submission to the Magistrate.

CAUSE LISTS.

Since July 1917 cause lists are not being prepared and posted near the Court-house.

RULES OF PRACTICE AND CIRCULAR LETTERS, ETC.

The file is incomplete.

REPORTS AND RETURNS.

Since July 1917 this Court is not sending up the monthly statement of cases filed and disposed of notwithstanding reminders received from the Chief Court.

The returns for the quarter ending the 30th September 1917 have not yet been submitted. The delay is said to be due to the nonreceipt of the returns due from the Courts of the Sub Division Magistrate of Dodballapur and the Taluk Magistrate of Dodballapur.

The District Magistrate is said to have inspected eight Courts in the District during 1916-17 and sent up his reports to the Chief Court.

Sd/- Leslie C. Miller,

CHIEF JUDGE.

C O P Y.

D.L.

Registrar.